IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.21 OF 2005
IN
NOTICE OF MOTION NO.427 OF 2004
IN
WRIT PETITION NO.810 OF 2002

M/s.Gammon India Limited & anr. Appellants
vs.
Ian Healey Respondent

Mrs.Meena H. Doshi for the appellants.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 6th June 2005

P.C.

Heard Mrs.Meena Doshi, the learned counsel for the appellants.

2. We perused the order of the learned Single Judge and the available material.

3. It is not in dispute that the respondent was entitled to the amount as per the award in Reference No.159/1977. In the recovery proceedings taken out by the workman under Section 50 of M.R.T.U. and P.U.L.P Act, 1971, the stand of the present appellant was that payment has been made to the workman as per the award.

4. The learned Single Judge held that the employer

failed to establish that payment has been made as per the award. We find no justifiable reason to take different view. Nothing could be shown by the learned counsel for the appellant that the respondent-workman was paid the amount as per the award. In our considered view, the issuance of certificate under Section 50 of the MRTU & PULP Act, 1971 by the Industrial Court cannot be said to suffer from any legal infirmity.

5. Appeal is dismissed in limine.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)